

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## KYLE LEE PAYMENT.

Plaintiff,

V.

RYAN SIEGLER et al.,

## Defendants.

CASE NO. C13-5496 RBL-JRC

ORDER GRANTING PLAINTIFF AN  
EXTENSION TO FILE A RESPONSE  
TO DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creature. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

Plaintiff asks for additional time to file a response to defendants' pending motion for summary judgment (Dkt. 41). Defendants oppose the motion and contest plaintiff's assertion that he was not able to view all of the DVD that defendants submitted as evidence supporting their motion for summary judgment (Dkt. 42-44).

Local Rule 7(j) states:

A motion for relief from a deadline should, whenever possible, be filed sufficiently in advance of the deadline to allow the court to rule on the motion prior to the deadline. Parties should not assume that the motion will be granted and must comply with the existing deadline unless the court orders otherwise.

If a true, unforeseen emergency exists that prevents a party from meeting a deadline, and the emergency arose too late to file a motion for relief from the deadline, the party should contact the adverse party, meet and confer regarding an extension, and file a stipulation and proposed order with the court. Alternatively, the parties may use the procedure for telephonic motions in LCR 7(i). It is expected that if a true emergency exists, the parties will stipulate to an extension.

While plaintiff did not file his motion in time for it to be considered before the deadline, plaintiff is a pro se inmate who is housed in an intensive management setting where access to court rules may be limited. The Court will grant plaintiff's motion. Plaintiff will have until March 28, 2014, to file his response to defendants' motion. The Court notes that defendants have informed plaintiff of the possible consequences of failing to properly respond to a motion for summary judgment (Dkt. 26).

The Court re-notes defendants' motion for summary judgment for consideration on April 11, 2014.

Dated this 18th day of March, 2014.

J. K. Ward (matins)

J. Richard Creatura  
United States Magistrate Judge